



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

February 25, 2014

The Honorable Joan Carter Conway, Chairman
Senate Education, Health, and Environmental Affairs Committee
2 West Miller Senate Building
Annapolis, MD 21401-1991

Re: Senate Bill 781 – *Environment – Recycling – Public and Commercial Buildings, Special Events, and Single-Family Residences*

Dear Chairman Conway and Members of the Committee:

The Maryland Department of the Environment (MDE or “the Department”) has reviewed Senate Bill 781 entitled *Environment – Recycling – Public and Commercial Buildings, Special Events, and Single-Family Residences*. The Department supports the goal of this legislation, which is to increase recycling in the State. Additionally, the Department would like to provide some information regarding the legislation.

SB781 would make a number of changes to the Environment Article. Among the changes included in the bill are:

- County recycling plans would be required to address the collection and recycling of recyclable materials from public and commercial buildings and special events;
- County recycling plans would be required to provide a strategy, where not already provided, for providing single-stream, curbside recycling collection services to all single-family residences;
- State government recycling plans would require the placement of a recycling receptacle immediately adjacent to each trash receptacle in State-owned or State-operated buildings;
- Each property owner or manager of a “commercial building” or a “public building” would be required to subscribe to a basic level of recycling service that includes, at a minimum, the collection of recyclable materials and provide a clearly distinguishable recycling receptacle immediately adjacent to each trash receptacle located on the property of these buildings;
- An organizer of a special event, including a temporary or periodic use of a public street, publicly owned site or facility, or public park, that serves food or drink to 200 or more expected guests would be required to provide a clearly distinguishable recycling receptacle adjacent to each trash receptacle and ensure that all recyclable materials placed into the recycling receptacles are collected for recycling;
- A county may require commercial building owners or managers and special events organizers to report to the county on their recycling activities; and
- An enforcement unit, officer, or official of a county, municipality, or any other local government may conduct inspections of a special event location or a commercial building to enforce the requirements of the legislation.

The Department would incur additional workload in order to review and approve county recycling plans and State agency recycling plans that must include the new provisions. In addition, each of State-owned or State-operated office buildings, including five office buildings for MDE, must comply with the requirement to provide



recycling receptacles immediately adjacent to each trash receptacle in its buildings, which may require State agencies to incur additional costs for new recycling receptacles.

The requirement for all counties to provide a strategy for single stream, curbside recycling for all single-family residences may be difficult for many jurisdictions in the State. Currently, 14 counties do not provide curbside recycling county-wide: Allegany, Calvert, Caroline, Carroll, Dorchester, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester. In addition, the bill's definition of "single stream" refers to "a system in which all recyclable materials are commingled for collection into a single container instead of being sorted into separate commodities and multiple containers." This definition will create problems in a jurisdiction such as Howard County that is piloting a food scrap and yard trim composting program in which these organics are separately collected from the traditional recyclables such as cans, bottles, cardboard, and paper.

The provisions of § 9-1712 related to commercial or public buildings may be problematic for owners and managers of buildings, particularly commercial buildings. The requirement to provide a recycling receptacle next to every trash receptacle appears to apply not only to common/public areas of buildings, but may extend to all tenant spaces. While landlords may be able to negotiate lease terms to address these requirements in tenant spaces, the enforcement of the law is directed only to the owners and managers of the building. One might imagine a situation in which an absentee landlord owns and leases a single-business building, such as a restaurant, and the tenant agrees, but fails, to comply with the recycling receptacle requirement.

The Department supports the overall goal of this legislation and the concepts proposed in this bill are laudable. However, careful thought and stakeholder input, including discussions with the counties, would be advisable in order to effectively further the recycling enhancements included in this legislation. Thank you for your consideration. We will continue to monitor House Bill 781 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at jeffrey.fretwell@maryland.gov.

Sincerely,



Jeffrey Fretwell

cc: The Honorable Karen S. Montgomery
Mr. Horacio Tablada, Director, Land Management Administration